

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>THE KROGER CO.,</b>	:	
	:	<b>Case No. 1:16-CV-00693</b>
<b>Plaintiff,</b>	:	<b>Judge Michael R. Barrett</b>
	:	
<b>v.</b>	:	
	:	
<b>VISA INC.,</b>	:	
	:	
<b>Defendant.</b>	:	

**VISA INC.'S REQUEST FOR ORAL ARGUMENT ON  
ITS MOTION TO DISMISS THE COMPLAINT**

Pursuant to Local Rule 7.1.(b)(2), Visa respectfully requests oral argument on its Motion to Dismiss the Complaint (Doc. 17). The motion involves issues related to Plaintiff's declaratory judgment and common law claims. Visa believes that the declaratory judgment issues are clear on the papers, but that the Court would likely benefit from further discussion of the common law issues, including application of the parties' contract to those claims.

October 7, 2016

Respectfully submitted,

*s/ Jean Geoppinger McCoy*

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served, via the Court's CM/ECF service, upon:

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*Counsel for Plaintiff, The Kroger Co.*

this 7th day of October, 2016.

*s/ Jean Geoppinger McCoy*

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Jean Geoppinger McCoy